

IV. F. On-Site/Off-Site

Notes:

Definitions

- On-Site
- Area of Contamination (AOC)
- Off-Site

On-Site/Off-Site

Notes:

On-Site Definition

- “...the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action”
- Includes air above the site, as well as contaminated ground or surface water

On-Site/Off-Site

Notes:

The NCP defines “**on-site**” as “the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action”[40 *CFR* 300.5; 40 *CFR* 400(e)(1)]. In this definition, EPA includes both the surface area and the air above the site, as well as the hydro-geologic contamination beneath the surface, including any groundwater plume.

AOC Definition

- “...the areal extent of contiguous contamination”
- Surrounding contaminated soil & sediments in a stream contaminated by the source, where contamination is continuous from source to the sediment
- Does not include contaminated ground water or surface water

On-Site/Off-Site

Notes:

“Areal extent of contamination” or “area of contamination” (AOC) is not the same as “on-site.” AOC refers to the areal extent of contiguous contamination. Surrounding contaminated soil and sediments in a stream contaminated by the source, where the contamination is continuous from the source to the sediment, may be considered part of an AOC. However, an AOC does not include any contaminated groundwater or surface water that may be associated with the land-based source. The AOC also does **not** include any adjacent areas necessary for implementation of response activities (55 *FR* 8689, March 8, 1990).

Thus, the on-site definition is broader than the AOC definition, providing flexibility in situations where implementation of a response action necessitates conducting activities outside of the AOC itself and/or in areas not contiguous to the site [EPA Memorandum, “ARARs Explained in Twelve Pages,” Office of Solid Waste and Emergency Response (July 29, 1992)].



Notes:

This picture illustrates the AOC and on-site concepts. Again, this is the ORNL WAG 5 Seep D removal action. The AOC included the groundwater seep and any soil/sediment in the stream contaminated by the contaminants released at the seep. The treatment system could not be placed within the AOC, as that would put it within the streambed. However, it was constructed “on-site,” i.e., in a suitable area in very close proximity to the contamination.

The white arrow points to the streambed AOC located below the bank the treatment system was placed on.

On-Site Actions

- Must comply with both “applicable” requirements & “relevant & appropriate” requirements
- Need only comply with substantive, not administrative, requirements

On-Site/Off-Site

Notes:

On-site actions are exempt from all administrative requirements [CERCLA 121(e)(1)]. This exemption applies to all administrative requirements even if the requirement is not specifically a “permit.” Therefore, on-site actions need to comply only with the substantive requirements, not with the administrative requirements of ARARs.

Off-Site Definition

- Areas not covered by the definition of “on-site” come, by extension, within the definition of “off-site” (58 *FR* 49204, September 22, 1993).

On-Site/Off-Site

Notes:

Off-Site Actions

- Must comply with “applicable” requirements
- Need not comply with “relevant & appropriate” requirements
- Must comply with both substantive & administrative requirements

On-Site/Off-Site

Notes:

Off-site actions need not comply with “relevant and appropriate” requirements except when compliance is necessary to ensure overall protection of human health and the environment.

Off-site actions, however, must comply with both administrative and substantive requirements of all applicable regulations. Off-site actions, therefore, would be required to secure any applicable permits and would need to ensure compliance with the CERCLA Off-Site Rule (58 *FR* 49200, September 22, 1993).

In Other Words. . .

- ARARs apply to on-site actions
- Only applicable requirements apply to off-site actions

On-Site/Off-Site

Notes:

ARAR Compliance: What Requirements Must Be Met?

Situation	Applicable Requirements		Relevant & Appropriate Requirements	
	Substantive	Administrative	Substantive	Administrative
On-Site	Yes	No	Yes	No
Off-Site	Yes	Yes	No	No

On-Site/Off-Site

Notes:

For removal actions, compliance with ARARs is required to the “extent practicable” considering the urgency of the situation and the scope of the action to be taken [40 *CFR* 300.415(I)].

For emergency removal actions, compliance with ARARs is not required; however, documentation of conditions is required (EPA/540/P-91/011, September 1991, *Guidance on the Consideration of ARARs During Removal Actions*).

For interim remedial actions, compliance with ARARs is also required to the “extent practicable;” however, any ARARs waived under the “interim measures” waiver must be attained at the conclusion of the final remedial action for a site (OSWER Directive 9355.3-02FS-3, March 1991, *Guide to Developing Superfund No Action, Interim Action, and Contingency Remedy RODs*).

For treatability studies, compliance with ARARs is also required to the “extent practicable” (OSWER Directive 9380.3-10, November 1992, *Guide for Conducting Treatability Studies Under CERCLA*).

CERCLA Section 104(d)(4)

- Allows the lead agency to treat two or more non-contiguous facilities as one site for response action purposes where...
- ...they are reasonably close to one another and the wastes are compatible for the selected treatment or disposal approach

On-Site/Off-Site

Notes:

CERCLA 104(d)(4) also allows the lead agency to treat two or more noncontiguous facilities as one site for response action purposes where they are reasonably close to one another and the wastes are compatible for the selected treatment or disposal approach (53 *FR* 51407, December 21, 1988 and 55 *FR* 8690, March 8, 1990).